

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CRM-M-39425-2017(O&M)

Date of Decision:31.10.2019

Paramjit Kaur and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Ms. Suchi Sodhi, Advocate,
for the petitioners.**

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.44 dated 30.08.2014 under Sections 498-A, 307, 328, 34 IPC, registered at Police Station SGN Dev Thermal Plant, District Bathinda City (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of the compromise dated 01.05.2017(Annexure P-2).

On 16.01.2019 when the case came up for hearing, learned State Counsel on instructions from HC Resham Singh had informed this Court that though the FIR was registered for the aforesaid offences, however, during the course of investigation, the offence under Sections 307 and 328 IPC were deleted on 30.06.2018. Thereafter, for the remaining offences, the police has prepared a cancellation report which was presented to the concerned Court on 25.04.2017. However, the cancellation report

was not considered by the Court and the matter was sent for re-investigation. It is thereafter, the present petition has been filed for quashing of FIR on the basis of compromise.

This Court vide order dated 16.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.03.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of respondent No.2-complainant-Navdeep Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 20.02.2019. The same is reproduced as under:-

“Stated that on my statement a criminal case has been got registered FIR No.44 dated 30.08.2014 under-Section 498-A, 307, 328 read with Section 34 IPC, PS Thermal, Bathinda against accused persons namely Paramjit Kaur w/o Manjit Singh, Harjit Singh s/o Harminder Singh, Rajinder Kaur w/o Harminder Singh, Manjit Singh s/o Harminder Singh all residents of Street No.10/21, Guru Gobind Singh Nagar Bathinda. Now compromise has been effected between me and accused, without any force, undue influence or coercion, with the intervention of the Panchayat and the respectable persons. I do not want to proceed with the above mentioned case and I have no objection if the FIR is quashed by the Hon'ble High

Court.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal) 206*** has held that when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution of India.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052***, as approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** also, in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and FIR No.44 dated 30.08.2014 under Sections 498-A, 307, 328, 34 IPC, registered at Police Station SGN Dev Thermal Plant, District Bathinda City (Annexure P-1) (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise dated 01.05.2017(Annexure P-2).

October 31, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No